IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 8 OF 2005

SMT.PREMABAI S.BANDODKAR AND 2 ORS., ...Petitioners

Versus

M/S HIGHLAND CONSTRUCTIONS PVT.LTD., AND 6 ORS., ...Respondents

Mr. S. D. Lotlikar, Senior Advocate with Mr. S. Y.Thaly, advocate for the petitioners.
Mr. V. B. Nakarni, Senior Advocate with Mr. Y. V. Nadkarni, advocate for the respondent nos. 1 and 2.
Mr. N.N. Sardessai, advocate for the respondent no.3.
Mr. V. P. Thali, advocate for the respondent no.4.
Mr. S. S. Kantak, Advocate General with Ms. G. Bhonsale, Additional Government Advocate for the respondent nos.5 to 8.

Coram:- R. M. LODHA &
N. A. BRITTO, JJ.

Date:- 26th September, 2005

P.C.

After arguing the Writ Petition for sometime, the learned Senior Counsel for the petitioners prayed for withdrawal of this Writ Petition in the light of the pending proceedings before the Deputy Collector of Panchayats, pursuant to the notice issued to the respondent no.1 under Section 66(5) of the Goa Panchayat Raj Act, 1994.

In our view, the prayer made by the learned Senior Counsel for the petitioners is fair and reasonable and the Writ Petition may be allowed to be withdrawn and all contentions raised in the Writ Petition regarding unauthorized construction/regularization be kept open to be considered by the Deputy Collector of Panchayats.

The learned Senior Counsel for the respondent nos.1 and 2, however submitted that though the Writ Petition may be allowed to be withdrawn, but no liberty be given to the petitioners to agitate the matter subsequently.

The Writ Petition is being withdrawn by the petitioners since notice has already been issued by the Deputy Director of Panchayats to respondent no.1 under Section 66(5) of the Goa Panchayat Raj Act, 1994. Obviously, the proceedings pursuant to show cause notice under Section 66(5) shall be taken to the logical conclusion and it has to be observed that any of the parties aggrieved thereby shall be entitled to pursue the matter further in accordance with law.

With the aforesaid observations, the Writ Petition is allowed to be withdrawn.

In our view it will proper if the petitioners through their representative are heard by the Deputy Director of Panchayats in the proceedings initiated against the respondent no.1 under Section 66(5) of the Goa Panchayat Raj Act, 1994.

R. M. LODHA, J.

N. A. BRITTO, J.

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